

absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

Having found no clear error, the Court **ADOPTS** the Magistrate Judge's R & R [ECF No. 24] as modified³ and **DISMISSES** Plaintiff's amended complaint *without prejudice* and without issuance and service of process.

IT IS SO ORDERED.

Florence, South Carolina
May 12, 2022

s/ R. Bryan Harwell
R. Bryan Harwell
Chief United States District Judge

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The Court modifies the R&R so that the dismissal is *without prejudice* because the dismissal is based on the failure to plead facts establishing subject matter jurisdiction. *See S. Walk at Broadlands Homeowner's Ass'n, Inc. v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 185 (4th Cir. 2013) (A dismissal for lack of subject matter jurisdiction "must be one without prejudice, because a court that lacks jurisdiction has no power to adjudicate and dispose of a claim on the merits."); *see Cohen v. Hurson*, 623 F. App'x 620, 621 (4th Cir. 2015) (explaining dismissal of a claim for failure to plead facts establishing subject matter jurisdiction must be without prejudice).

The R & R states "Plaintiff does not plead a specific violation of a federal statute or constitutional provision by Defendants." *See* ECF No. 24 at p. 4. This Court notes that Plaintiff's amended complaint cites the Federal Truth in Lending Act and the Fair Debt Collection Practices Act. *See* ECF No. 19 at p. 6. However, Plaintiff's amended complaint asserts only vague and conclusory assertions rather than any specific factual allegations regarding any statutory violations. Thus, even liberally construed, the Court cannot find that Plaintiff's amended complaint raises any questions of federal law.